

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the canned tomatoes were not normally colored and normally flavored, and the package did not bear a plain and conspicuous statement, as prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On April 10, 1936, Chas. L. Diven, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be sold or disposed of contrary to law.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26047. Adulteration and misbranding of ground coffee screenings. U. S. v. 10 Bags of Ground Coffee Screenings. Default decree of condemnation and destruction. (F. & D. no. 37488. Sample no. 68172-B.)**

This case involved a shipment of ground coffee screenings that were found to contain coffee chaff.

On May 6, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bags of ground coffee screenings at Portsmouth, Ohio, consigned on or about February 8, 1936, alleging that the article had been shipped in interstate commerce by Alexander Moseley, from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "No. 1 Ground Coffee Screenings."

The article was alleged to be adulterated in that coffee chaff had been mixed and packed with the article so as to reduce its quality or strength; and in that coffee chaff had been substituted wholly or in part for coffee screenings, which the article purported to be.

The article was alleged to be misbranded in that the designation "Coffee Screenings" was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing coffee chaff; and in that it was offered for sale under the distinctive name of another article, namely, coffee screenings.

On May 19, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26048. Misbranding of oleomargarine. U. S. v. 29 Cases and 9 Cases of Oleomargarine. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37489. Sample nos. 22541-B, 22542-B.)**

This case involved shipment of oleomargarine that was short in weight.

On March 30, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cases, each containing 32 pound prints, and 9 cases, each containing 12 pound prints, of oleomargarine at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 17, 1936, by Swift & Co., from Fort Worth, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cartons) "Swift's Allsweet One Pound Net Oleomargarine, Swift and Company, Chicago"; (wrappers) "Oleomargarine 1 Pound Net."

The article was alleged to be misbranded in that the statements on the carton and wrapper, "One Pound Net" and "1 Pound Net", were false and misleading and tended to deceive and mislead the purchaser when applied to a product in packages containing less than 1 pound; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On April 2, 1936, Swift & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26049. Adulteration and misbranding of olive oil. U. S. v. 92 Bottles and 37 Bottles of Olive Oil. Default decree of condemnation. Product ordered destroyed or rendered unavailable for food. (F. & D. nos. 37490, 37491. Sample nos. 59198-B, 59199-B.)**

These cases involved two interstate shipments of so-called olive oil that contained tea-seed oil; in one shipment the bottles were short in volume.

On or about April 1, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court two libels, one praying seizure and condemnation of 92 bottles, and the other of 37 bottles of so-called olive oil, at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about February 6 and March 9, 1936, by H. L. Green Co., Inc., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article in the lot of 92 bottles was labeled: "Pure Olive Oil Net Cont. 2 Fl. Oz. De Luca Brand De Luca Olive Oil Co. N. Y. Pure Olive Oil Tested Approved Serial 4695 Good Housekeeping Magazine Bureau of Foods De Luca & Co. New York & Genoa." The article in the lot of 37 bottles was labeled: "Olio D'Oliva Marca DeLuca Brand 6 Fl. Oz. Pure Olive Oil Tested Approved Serial 4695 Good Housekeeping Magazine Bureau of Foods DeLuca & Co. New York & Genoa."

The article in the lot of 92 bottles and in the lot of 37 bottles was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the product purported to be.

The article in the lot of 92 bottles was alleged to be misbranded in that the statement "Pure Olive Oil", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil. The article in the lot of 37 bottles was alleged to be misbranded in that the statements, "Olio D'Oliva \* \* \* DeLuca", "Pure Olive Oil", and "6 Fl. Oz.", were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil, and to a product the bottles of which contained less than 6 ounces; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct. The article in the lot of 92 bottles and in the lot of 37 bottles was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On May 15, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed or be disposed of in such manner as to render it unavailable for food.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26050. Misbranding of apple butter. U. S. v. 15 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. no. 37515. Sample no. 52913-B.)**

This case involved apple butter that was short in weight.

On or about April 2, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases, each containing 12 jars of apple butter, at St. Rose, Ill., alleging that the article had been transported in interstate commerce on or about March 12, 1936, by Schuette Bros., in their own truck from the premises of the L. Maull Co., St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Top Notch Brand Apple Butter, Net Weight 2 Lbs., 2 Ozs., \* \* \* packed by L. Maull Company, St. Louis, Mo."

The article was alleged to be misbranded in that it was short in weight and the statement of weight on the label was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26051. Adulteration of butter. U. S. v. 176 Tubs and 322 Cartons of Butter. Default decree of condemnation and destruction. (F. & D. no. 37524. Sample no. 61033-B.)**

This case involved butter that had been damaged by flood water.

On April 1, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176 tubs and 322 cartons of butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 14, 1936, by Land O'Lakes Creameries, Inc., from Minneapolis, Minn., and charging adulteration in violation of the Food and